BEFORE THE HON’BLE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION AT COSMOS

IN RE: COMPLAINT No. 01 of 2022

IN THE MATTER OF:

K. Gayathri

46 years of age, female

20/918, III street, Vimala Nagar, Cosmos – 100

Gayathri1888@gmail.com

9234567891… COMPLAINANT

Vs.

ABC Hotels Private Limited

Represented by its Manager

2nd Cross Street, Simala Nagar, Cosmos-60

abchotels@gmail.com

9456716832… OPPOSITE PARTY

COMPLAINT UNDER SECTION 35 of CONSUMER PROTECTION ACT 2019

**RESPECTFULLY SHOWETH:**

1) The complainant, K. Gayathri (PAN Card No. xxxxx xxxxx), aged 46, residing at 20/918, III street, Vimala Nagar, Cosmos – 100, is a graphic designer by profession, and has been working in H2O Designs Private Limited for the last seven years.

2) The opposite party is a well-known and reputed hotel in the food & hospitality industry, and has branches across the city of Cosmos and in other parts of the country; since its inception in 2004, it has been offering a wide range of cuisines from Indian to continental.

3) On 04/02/2022 (4th February, 2022), at around 2:30 pm, the complainant visited the Jeevan Nagar branch of the opposite party, located in the city of the Cosmos along with three of her friends. At the very outset, the complainant made a mention of the unhygienic ambience to her friends, but since they had traveled a long distance from their residence, they could not leave the restaurant. Thereafter, the complainant placed an order for two sandwiches and one mosambi juice, and paid Rs 500/- for the same, for which she was given a bill dated 04/02/2022. After about 10 minutes, the food arrived, and the complainant and her friends began having the food. When the complainant had drunk almost half of the juice, much to her shock and dismay, she found insects in it. When she asked her friends to confirm if they were actually insects, the former answered in the affirmative.

4) Immediately, the complainant beckoned the manager of the branch and enquired about the presence of insects in the beverage served to them. The manager; however, denied the allegation, but never explained as to how they appeared in the first place in the beverage served. Subsequently, when the complainant requested a refund of the amount paid for serving food of inferior quality, the manager said that there was no refund policy.

5) On realizing that any further discussion in this respect would be futile, the complainant, after taking photos of the item, left the premises and later in the day, the complainant fell sick with diarrhea and also vomited twice. She then visited a clinic in the vicinity and incurred medical expenses to the tune of Rs 1000/-

6) The next day, on 05/02/2022 (5th February, 2022), the complainant registered her grievance in the customer feedback section that was available on the website along with a request for refund of the money paid towards the food items purchased, and compensation for the medical expenses incurred. The complainant also tried to contact the opposite party using the toll-free number given on the website to voice her concerns regarding the deficiency in the service provided to the complainant and her friends, but there was no response from their side.

7) After about three days, on 08/02/2022 (8th February, 2022), the complainant received a call from the customer care division of the opposite party, but the response was not any different from the one given by the manager on the day of the incident. The opposite party neither acknowledged the occurrence of a mistake nor did they promise a refund of the money paid along with the compensation sought.

8) The complainant was therefore constrained to send a legal notice on 15/02/2022(15th February, 2022) whereby the opposite party was advised to comply with the request of the complainant for a refund of the money paid towards the purchase of the food items, and Rs 2000/- as compensation for the medical and legal expenses incurred by the complainant to avoid initiation of action under the Consumer Protection Act of 2019 on the ground of deficiency in the service rendered to the customer.

9) However, months went by, but the complainant never received any reply to the notice sent on 15/02/2022. Distressed by the indifferent attitude of the opposite party towards the suffering of the complainant, the latter has now approached this hon’ble commission for relief.

10) The complainant, therefore, humbly submits that the present incident is a clear case of violation of the right of the complainant as a consumer to avail good quality food for the money paid, and also deficiency in service as described under section 2(11) of the Consumer Protection Act of 2019 thereby meriting remedy under the relevant provisions of the Act.

11) The following documents have been attached as Annexures for the perusal of the hon’ble commission:

i) Original bill/invoice dated 04/02/2022

ii) Original medical expenses bill dated 04/02/2022

iii) Photographs of the product

iv) Print out of the customer feedback webpage

v) Original legal notice dated 15/02/2022

12) Jurisdiction:

As the consideration amount involved is less than Rupees 50 lakhs, and the cause of action is in the city of Cosmos, the complaint is being filed with the Hon’ble District Consumer Disputes Redressal Commission.

13) Limitation:

That the present complaint is being filed within a period of two years from the date of cause of action i.e date of the incident, as prescribed under section 69 of the Act, 2019

14) Court Fees:

In line with Rule 7 of Consumer Protection (Consumer Dispute Redressal Commission) Rules, 2020, no court fee has been paid as the value of the impugned product is less than Rs 5 lakhs, and stipulated three copies of the complaint have been submitted.

PRAYER

The complainant therefore prays: -

i) That the opposite party be directed to refund the money paid towards the purchase of the food items and pay Rs 10,000 as compensation for the medical and legal expenses incurred, and also for the mental distress caused by the act of the opposite party

ii) that such orders be passed as the Hon’ble Consumer Forum may deem fit in the circumstances of the case.

VERIFICATION

I, K. Gayathri, residing at 20/918, III street, Vimala Nagar, Cosmos – 100 hereby declare that I have not misrepresented any facts nor have I tried to hide any information in my above complaint. All the facts mentioned herein are true to the best of my knowledge.

Name

Signature